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EXAMINER

DEMICO, MATTHEW R

ART UNIT	PAPER NUMBER
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2697

DATE MAILED: 03/31/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/517,115

Applicant(s)

SAZZAD ET AL.

Examiner

Matthew R Demicco

Art Unit

2697

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: on Page 20, "The video server interface 402 is coupled to the various components 406, 402, 420, 428..." The second "402" appears to be a typographical error. Also, Figures 7 and 8 are not described in the Specification. Appropriate correction is required. ✓

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 48 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 48, the Applicant recites, "a system for presenting a program to an individual, comprising the steps of..." The Examiner understands this to be a system claim, but the Applicant's language may be confused for that of a method claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 10, 12-15, 24-25, 27-31, 38, 42-43 and 48 are rejected under 35

U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,144,400 to Ebisawa.

Regarding Claim 1, Ebisawa discloses a method of providing a program of a given length (L) to a user wherein the first segment of the program is stored (Col. 5, Lines 28-31), the presentation of the stored first segment is started (Col. 6, Lines 10-18), and a second segment of the program is received (Col. 6, Lines 20-22). It is understood that the delay between the storage of the first segment and the receiving of the second could be equal to the length of the program (L) or any other time once the initial program segment is stored. The second segment of the program is presented to the user upon the completion of the presentation of the first segment (Col. 6, Lines 55-58).

Regarding Claim 2, Ebisawa discloses a method as stated above in Claim 1 wherein data included in the second segment of the program is stored while at least a portion of the first segment of the program is presented to the user (Col. 6, Lines 20-44).

Regarding Claim 10, Ebisawa discloses a method as stated above in Claim 2, wherein the step of storing the program data corresponding to the second segment of the program includes the step of storing program data in a cache (See Figure 4) that is operated in a FIFO data structure. It is inherent in such a video cache that a FIFO queue structure must be used to reproduce cached video in the same order that it was received.

Regarding Claim 12, Ebisawa discloses a method of providing a program to a user wherein a first program segment is received on a first communication channel and a second program segment is received on a second communication channel (See Figure 3).

The first segment is stored in a storage device (Col. 5, Lines 36-41). The first and second program segments correspond to the same program. The second segment of the program is presented to the user immediately following the presentation of the first segment as stated above in Claim 1.

Regarding Claim 13, Ebisawa discloses a method as stated above in Claim 12 wherein the first and second communications channels are different physical channels (See Figure 3). It is well known in the art that different channels in a television system can be broadcast with different carrier frequencies.

Regarding Claim 14, Ebisawa discloses a method as stated above in Claim 12 wherein the data of the first and second communications channels is compressed using the MPEG2 specification (Col. 4, Lines 35-39). It is well known in the art that when using MPEG2 video, multiple channels may be multiplexed together in different logical communication channels on the same physical communication channel. Further, Ebisawa discloses using the same transmission path for sending the first segment as the second segment (Col. 8, Lines 53-56).

Regarding Claim 15, Ebisawa discloses a method as stated above in Claim 12 wherein the program is a user-selected program (Col. 3, Lines 53-56) and the first segment of the program is one of a first plurality of program segments (See Figure 3) transmitted on the first communication channel. Ebisawa further discloses storing in the storage device additional program segments included in the first plurality of program segments (Col. 6, Lines 39-44) and accessing information indicating which program segments correspond to the user selected program (Col. 5, Lines 10-32).

Regarding Claim 24, Ebisawa discloses a method as stated above in Claim 12 wherein the presentation of the stored first segment of the program to the user is begun at the same time as the step of receiving a second segment of the program (Col. 6, Lines 12-44).

Regarding Claim 25, Ebisawa discloses a method as stated above in Claim 24 wherein at least a portion of the second program segment is stored prior to presenting it to the user (Col. 6, Lines 39-67).

Regarding Claim 27, Ebisawa discloses a method of presenting a program to an individual comprising the steps of operating a user device to record a broadcast of an initial portion of the program (Col. 5, Lines 36-42), receiving information about the time and channel upon which copies of the program are broadcast (Cols. 4-5, Lines 65-7) and operating the user device to detect a request to view the program (Col. 6, Lines 12-19). In response to the request to view the program, the user device is operated to present the initial portion of the program to the individual using the recorded initial portion of the program (Col. 6, Lines 12-19) and to obtain the data corresponding to a remaining portion of the program from one of the broadcast copies of the program (Col. 6, Lines 20-44).

Regarding Claim 28, Ebisawa discloses a method as stated above in Claim 27 further comprising the step of accessing the information about the time and channel upon which copies of the program are broadcast (Col. 4-5, Lines 65-7) and selecting one of the broadcast copies from which to obtain the data corresponding to the remaining portion of the program as a function of the accessed information (Col. 6, Lines 20-34).

Regarding Claim 29, Ebisawa discloses a method as stated above in Claim 28 wherein the remaining portion of the program is presented to the individual immediately following the presentation of the initial portion of the program as stated above in Claims 1 and 12.

Regarding Claim 30, Ebisawa discloses a method as stated above in Claim 28 wherein the step of operating the user device to record a broadcast of an initial portion of the program includes the step of recording the initial portion of the program in a cache located on the premises of the individual. The cache in the invention of Ebisawa is a magneto-optical disk (Col. 5, Lines 34-35) but it is well known in the art that a hard disk or other memory storage device could be used. Further, the receiving apparatus serves as a user terminal and is directly connected to the user's TV monitor (Col. 3, Lines 32-40).

Regarding Claim 31, Ebisawa discloses a method as stated above in Claim 30 wherein a video server (Col. 3, Lines 32-33) is operated to broadcast copies of the program to the premises of the users in a time staggered manner (Col. 3-4, Lines 66-3). It is understood that in such a video-on-demand broadcast system, the program data would be broadcast to the premises of multiple individuals.

Regarding Claim 38, Ebisawa discloses a user device for processing program data comprising a receiver circuit for receiving broadcast program data (See Figure 7, "Communication Unit"), a program cache coupled to the receiver circuit (See Figure 7, "Data Storage Unit"), means for identifying (Col. 5, Lines 3-7) and storing in the cache initial portions of program which are broadcast on a periodic basis (Col. 5, Lines 28-32), means for detecting user input requesting the presentation of a program (Col. 6, Lines 12-

13), means for outputting a cached initial portion of the program in response to the user input (Col. 6, Lines 15-18), means for obtaining, from a periodic broadcast of the user requested program which starts subsequent to caching of the initial portion, a remaining portion of the program (Col. 6, Lines 20-44), and means for outputting the remaining portion of the program immediately following the output of the cached initial portion as stated above in Claims 1, 12 and 27.

Regarding Claim 42, Ebisawa discloses a device for processing program segments comprising a cache for storing program segments (See Figure 7), means for receiving on a first communications channel (See Figure 3) a first program segment (Col. 5, Lines 28-32), a cache controller for storing the program segment in the cache (See Figure 7, "Control Unit"), means for receiving a second program segment on a second communications channel (See Figure 3), the first and second program segments corresponding to the same program (Col. 6, Lines 20-34), and means for presenting to the user the second segment of said program immediately following the presentation of the first segment of the program as stated above.

Regarding Claim 43, Ebisawa discloses a device as stated above in Claim 42 further comprising means for accessing program information indicating which program segments are included in the program and the time at which at least one of them will be broadcast (Col. 4-5, Lines 65-28).

Regarding Claim 48, as best understood by the Examiner, Ebisawa discloses a system for presenting a program to an individual comprising a video server (Col. 3, Lines 32-33) for broadcasting copies of the program to the premises of the users in a time

staggered manner (Col. 3-4, Lines 66-3). It is understood that in such a video-on-demand broadcast system, the program data would be broadcast to the premises of multiple individuals. Further, information about the time and channel upon which copies of the program will be broadcast is transmitted (Cols. 4-5, Lines 65-27). Ebisawa also discloses a user device in communication with the server including means for recording a broadcast of an initial portion of the program (Col. 5, Lines 36-42), receiving information about the time and channel upon which copies of the program are broadcast (Col. 6, Lines 1-35), detecting a request from a user to view said program (Col. 6, Lines 12-18), presenting the recorded initial portion of the program in response to the request, and obtaining data corresponding to the remaining portion of the program from a broadcast copy of the program (Col. 6, Lines 39-44).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-9 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ebisawa in view of U.S. Patent No. 5,724,646 to Ganek et al.

Regarding Claim 3, Ebisawa discloses a method as stated above in Claim 2. What Ebisawa does not disclose, however, are the steps of receiving program guide information and identifying from that information, a broadcast channel upon which the second

segment of the program is being broadcast. Ganek discloses a system, method, and apparatus for video-on-demand using time-staggered multiple copies of video transmitted on separate channels (See Figure 2a). Ganek further discloses the video-on-demand server sending the client device a menu of program available for user viewing (Col. 4, Lines 54-58). This reads on receiving program guide information. Further, this program control information is used to determine which channels carry the signals needed for each program (Col. 4, Lines 58-67). Ganek is evidence that ordinary workers in the art would recognize the benefit of using an electronic program guide to carry information related to which channels carry a second segment of a program being broadcast in a video-on-demand system. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of providing a segmented program to a user of Ebisawa with the program guide carrying segment/channel information of Ganek in order to allow a user to see and select a program, and simultaneously carry information related to that program to the client device.

Regarding Claim 4, Ebisawa in view of Ganek disclose a method as stated above in Claim 3. Ebisawa discloses that the first segment of the program is an initial program segment (Col. 5, Lines 28-31) and that the second segment of the program is the main segment (Col. 2, Lines 27-47). The second segment of the program is received as part of a periodic broadcast of the first and second segments of the program (See Figure 3).

Regarding Claim 5, Ebisawa in view of Ganek disclose a method as stated above in Claim 3. Ebisawa further discloses selecting from a plurality of broadcast channels upon which the second segment of the program is being broadcast (See Figure 3), one of

the broadcast channels from which to receive the second segment of the program (Cols. 4-5, Lines 65-7).

Regarding Claim 6, Ebisawa in view of Ganek disclose a method as stated above in Claim 5, wherein the step of selecting one of the broadcast channels includes the step of selecting the first broadcast channel upon which the second segment of the program will be transmitted at or following the start of the presentation of the stored first segment to the user (Ebisawa, Col. 6, Lines 25-34).

Regarding Claim 7, Ebisawa in view of Ganek disclose a method as stated above in Claim 6, wherein the maximum delay between broadcasts of the second program segment during a fixed time intervals can be given by a variable, such as C. The step of storing a first segment of the program includes storing a variable amount of data, in this case 10 minutes (Ebisawa, Col. 6, Lines 25-34). As shown in Figure 3, the fixed broadcast interval is also 10 minutes. It is inherent in such a system that the broadcast interval C must be shorter than the length of the entire program L (in this case 60 minutes), therefore $L > C$ as claimed.

Regarding Claim 8, Ebisawa in view of Ganek disclose a method as stated above in Claim 6, wherein the maximum delay between broadcasts of the second program segment is C time units as stated above in Claim 7. The step of storing a first segment of the program includes the step of storing at least Y time units of video data where $L > C \geq Y$. C and Y are both 10 minutes in the disclosure of Ebisawa, and L is 60 minutes.

Regarding Claim 9, Ebisawa in view of Ganek disclose a method as stated above in Claim 6. Ebisawa further discloses broadcasting the first segment of the program that

is stored, on a first communication channel (See Figure 3). It is inherent in any broadcast system that the program must be broadcast prior to the program being received and stored on the user end. The second segment of the program that is presented to the user is broadcast on a second communication channel (See Figure 3). It is also inherent that this program segment must be broadcast prior to being received.

Regarding Claim 39, Ebisawa discloses a user device as stated above in Claim 38 with means for obtaining a remaining portion of a user program. What Ebisawa does not disclose, however, is stored program guide information indicating the channels on which the programs are transmitted on a periodic basis and information on the time at which the programs are broadcast. Ganek discloses a system, method, and apparatus for video-on-demand using time-staggered multiple copies of video transmitted on separate channels (See Figure 2a). Ganek further discloses the video-on-demand server sending the client device a menu of program available for user viewing (Col. 4, Lines 54-58). This reads on the claimed stored program guide information. Further, this program control information is used to determine which channels carry the signals needed for each program and the times at which the programs are broadcast (Col. 4, Lines 58-67). Ganek is evidence that ordinary workers in the art would recognize the benefit of using an electronic program guide to carry information related to time and which channels carry a program being broadcast in a video-on-demand system. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the device for processing program of Ebisawa with the program guide carrying segment/channel/time information of Ganek in order to allow a user to see and select a

program, and simultaneously carry information related to that program to the client device.

Regarding Claim 40, Ebisawa in view of Ganek discloses a device as stated above in Claim 39. Ebisawa further discloses a device wherein the means for outputting the remaining portion of the user requested program includes means for caching data representing the remaining portion of the program in the program cache (Col. 6, Lines 39-44). It is inherent in such a video cache that a FIFO queue structure must be used to reproduce cached video in the same order that it was received.

Regarding Claim 41, Ebisawa in view of Ganek discloses a device as stated above in Claim 39. Ebisawa further discloses a device with means for transmitting requests to view a user-selected program (Col. 6, Lines 12-18).

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ebisawa in view of U.S. Patent No. 5,046,090 to Walker et al.

Regarding Claim 11, Ebisawa discloses a method as stated above in Claim 10. Ebisawa discloses the step of beginning the presentation of the stored first segment of the program to the user and outputting video data to a presentation device. What Ebisawa does not disclose, however, is decrypting the data included in the first segment of the program. Walker discloses a video recording medium storing a video program using digital code encryption. Walker is evidence that ordinary workers in the art would recognize the benefit of encrypting stored video data on a user terminal to prevent unauthorized copying of material. Therefore, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to modify the method of Ebisawa with the encryption of Walker in order to prevent unauthorized duplication of copy-protected material.

9. Claims 16-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ebisawa in view of U.S. Patent No. 6,502,139 to Birk et al.

Regarding Claim 16, Ebisawa discloses a method as stated above in Claim 15.

What Ebisawa does not disclose, however, is a method wherein the accessed information further includes information about the order in which the segments corresponding to the user-selected program are to be presented. Birk discloses a method for near-video-on-demand using multiple time-segmented broadcasts wherein each subsegment includes metadata that indicates the sequential order of the subsegment within the corresponding segment (Col. 8, Lines 21-26). This reads on a method wherein the accessed information further includes information about the order in which the segments corresponding to the user-selected program are to be presented. Birk is evidence that ordinary workers in the art would appreciate the ability to reconstruct program segments in the proper order by embedding control information. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Ebisawa with the subsegment information of Birk in order to properly order stored video segments into a continuous presentation.

Regarding Claim 17, Ebisawa in view of Birk disclose a method as stated above in Claim 16. The method of Birk discloses that the accessed information indicates that a

first one of the additional program segments is to be presented immediately following the second program segment (Col. 14, Lines 41-45) and that the segments are presented to the user.

Regarding Claim 18, Ebisawa in view of Birk disclose a method as stated above in Claim 17. Birk discloses presenting to the user a second one of additional program segments immediately following the presentation of the first additional segment (Col. 3, Lines 29-43 and Figure 2).

Regarding Claim 20, Ebisawa discloses a method as stated above in Claim 12. What Ebisawa does not disclose, however, is a method wherein the second program segment is presented to the user without being stored in the storage device. Birk discloses a video-on-demand method wherein secondary segments are not stored on the main recording medium (Col. 10, Lines 8-22). Birk is evidence that ordinary workers in the art would recognize the benefit of playing a secondary segment immediately without storing it to a recording medium. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Ebisawa with the non-recorded playback of Birk in order to save valuable disk space and transfer bandwidth by not recording program segments that are scheduled to be played soon.

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ebisawa in view of Birk and further in view of well-known prior art.

Regarding Claim 19, Ebisawa in view of Birk disclose a method as stated above in Claim 17. What is not disclosed, however, is that the first program segment is a

regional news segment, the second program segment is a non-regional news segment, and the first additional program segment is a regional news segment. Official Notice is hereby taken that it is well known in the art to broadcast a regional news segment followed by a non-regional news segment, followed by a regional news segment in a television broadcasting method. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the method of Ebisawa in view of Birk to broadcast a regional, non-regional, and regional news segment in order to present diversified news programming to the viewers.

11. Claims 21-23, 26, 32-37, 44-45 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ebisawa in view of well known prior art.

Regarding Claim 21, Ebisawa discloses a method as stated above in Claim 12. What is not disclosed, however, is that the first program segment is a regional news segment and the second program segment is a non-regional news segment. Official Notice is hereby taken that it is well known in the art of video broadcasting to transmit a regional news segment followed by a non-regional news segment. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify to method of Ebisawa to broadcast a regional and non-regional news segment in order present a diversified news broadcast.

Regarding Claim 22, Ebisawa discloses a method as stated above in Claim 12 wherein a first segment and a second segment of a video program are broadcast forming a complete version of the video program. What is not disclosed, however, is that the first

and second segments of the program are the initial and main portions of a movie. Official Notice is hereby taken that it is well known in the art of video-on-demand broadcasting that the video broadcast could be a movie. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Ebisawa to broadcast initial and main portions of movie in order to give viewers the ability to watch a movie of their choice in such a video on demand system.

Regarding Claim 23, Ebisawa discloses a method as stated above in Claim 12. What is not disclosed, however, is that the second segment of the program is a regional advertising segment. Official Notice is hereby taken that it is well known in the art of video broadcasting to transmit a regional advertisement after a program segment. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Ebisawa to transmit a regional advertisement as a second segment of a video program in order to generate additional revenue in a video-on-demand system.

Regarding Claim 26, Ebisawa discloses a method as stated above in Claim 25 wherein a first segment and a second segment of a video program are broadcast forming a complete version of the video program. What is not disclosed however is that the program is a movie. Official Notice is hereby taken that it is well known in the art of video-on-demand broadcasting that such a video broadcast could be a movie. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Ebisawa to broadcast a first and second portion of a movie in order to allow a user to access a wider range of media.

Regarding Claim 32, Ebisawa discloses a method as stated above in Claim 31.

What Ebisawa does not disclose, however, is that the program is a movie being provided as part of a pay-per-view service. Official Notice is hereby taken that it is well known in the art of video-on-demand broadcasting to transmit a movie in a pay-per-view arrangement. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the video-on-demand method of Ebisawa with the pay-per-view arrangement of the well-known prior art in order to generate revenue for movies watched.

Regarding Claim 33, Ebisawa discloses a method of providing program data to a plurality of users comprising the steps of broadcast a plurality of program segments (See Figure 3), operating a plurality of user devices to store the program segments in a cache (Col. 5, Lines 28-31) included in each of the user devices (See Figure 7), broadcasting program segment information about a plurality of programs, the information indicating the segments included in the program (Cols. 3-4, Lines 66-3) and operating the device to present at least one cached segment to the user and a broadcast segment to the user (Col. 6, Lines 12-58). What is not disclosed, however, is that the program data is regional and non-regional or that the regional program segment is presented before the non-regional program segment is broadcast and presented. Official Notice is hereby taken that it is well known in the art of video broadcasting to broadcast and present a regional program segment and a non-regional program segment. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Ebisawa with the regional and non-regional program segments of the well-

known prior art in order to present diversified and comprehensive program coverage to the subscribers.

Regarding Claim 34, Ebisawa in view of well-known prior art disclose a method as stated above in Claim 33. Ebisawa further discloses that the broadcast program segment information further includes information about the time at which each of the program segments included in the program is to be presented (Cols. 4-5, Lines 65-7). This could be the regional program as stated above in Claim 33.

Regarding Claim 35, Ebisawa in view of well-known prior art disclose a method as stated above in Claim 34. What is not disclosed is that the step of broadcasting a plurality of program segments includes the step of operating a satellite to transmit the regional program segments to the user device and that the user device is a satellite receiver located at the premises of the user. Official Notice is hereby taken that it is well known in the art to use a satellite to transmit video programming to a user's premises. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the method of Ebisawa in view of well-known prior art to use satellites to transmit video programming in areas not accessible by CATV or to save costs associated with creating and maintaining a terrestrial network.

Regarding Claim 36, Ebisawa in view of well-known prior art disclose a method as stated above in Claim 33. What is not disclosed is that the regional segments are regional news segments and the non-regional segments are non-regional news segments. Official Notice is hereby taken that it is well known in the art that regional programming segments could be regional news and non-regional programming could be non-regional

news. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the method of Ebisawa in view of well-known prior art to broadcast and receive regional and non-regional news segments in order to present diversified and comprehensive coverage to the subscribers.

Regarding Claim 37, Ebisawa in view of well-known prior art disclose a method as stated above in Claim 33. What is not disclosed is that the regional segments are regional advertising segments and the non-regional segments are non-regional advertising segments. Official Notice is hereby taken that it is well known in the art that regional programming segments could be regional and non-regional advertising. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the method of Ebisawa in view of well-known prior art to broadcast and receive regional and non-regional advertising segments in order to increase revenue in a video-on-demand system.

Regarding Claim 44, Ebisawa discloses a device as stated above in Claim 42 wherein the first and second segments of a program are broadcast, forming a complete version of the video program. What is not disclosed, however, is that the program could be a movie. Official Notice is hereby taken that it is well known in the art of video-on-demand broadcasting that such a video broadcast could be a movie. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Ebisawa to transmit segments of a movie in order to provide subscribers with access to additional programming choices.

Regarding Claim 45, Ebisawa discloses a device as stated above in Claim 43.

What is not disclosed is that the program is a regional news program, the first segment is a regional news segment and the second segment is a non-regional news segment.

Official Notice is hereby taken that it is well known in the art of video broadcasting to broadcast a regional news program with non-regional news segments. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Ebisawa to broadcast a regional news segment and a non-regional news segment in a regional news program in order to present diversified and comprehensive information to a subscriber.

Regarding Claim 49, Ebisawa discloses a system for providing programming to a plurality of users comprising a server (Col. 3, Lines 33-35) for broadcasting a plurality of segments (See Figure 3) and program information indicating the segments included in each of a plurality of segments (Cols. 4-5, Lines 65-16), and a plurality of user devices in communication with the server (See Figure 7). It is understood that at least some of the user devices are located at different subscriber premises, which are physically remote from each other and the server. Ebisawa further discloses each of the user devices includes a cache for storing broadcast segments (See Figure 7), means for accessing the segment information to identify the segments that are included in a program (Cols. 4-5, Lines 65-16), and means for presenting the program by outputting at least one segment followed by the output of another segment of the same program (Col. 6, Lines 12-58). What is not disclosed, however, is the providing of regional and non-regional news segments comprising the news program. Official Notice is hereby taken that it is well

known in the art to broadcast regional and non-regional news segments in a regional news program. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Ebisawa to provide regional and non-regional news segments in a news program in order to present comprehensive and diverse news coverage to the subscribers.

12. Claims 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ebisawa in view Ganek and further in view of well-known prior art.

Regarding Claim 46, Ebisawa in view of Ganek disclose a device as stated above in Claim 39. What is not disclosed, however is that the second program segment is a regional advertising segment. Official Notice is hereby taken that it is well known in the art to broadcast a regional advertising segment after a main program segment. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Ebisawa in view of Ganek to broadcast a regional advertising segment as the second program segment in order to increase revenue in a video-on-demand system.

Regarding Claim 47, Ebisawa in view of Ganek disclose a device as stated above in Claim 46. What is not disclosed is that the first program segment is a television program segment. Official Notice is hereby taken that it is well known in the art to broadcast a television program segment before an advertisement. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Ebisawa in view of Ganek with the television program

segment of the well-known prior art in order to attract an audience to whom the advertisement is to be presented.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. U.S. Patent No. 5,751,282 to Girard et al. discloses an interactive television system with an EPG and real-time video data streaming.
- b. U.S. Patent No. 5,973,680 to Ueda discloses a video terminal with storage memory for a first part of a video wherein the remainder of the video is streamed from a server.
- c. U.S. Patent No. 6,487,722 to Okura et al discloses an EPG with near video-on-demand.
- d. U.S. Patent No. 5,884,141 to Inoue et al. discloses a video receiver with a time-staggered transmission scheme and local video storage.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew R Demicco whose telephone number is (703) 305-8155. The examiner can normally be reached on Mon-Fri, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 308-5359 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

MRJ

mrd
March 21, 2003

KAWilliams

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